

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,
individually and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

**DECLARATION OF CLAUDIA WILNER IN SUPPORT OF MOTION TO
PERMIT SUFFICIENT TIME TO DEPOSE NAMED DEFENDANT BYRON
LOCKWOOD**

I, Claudia Wilner, declare as follows:

1. I am an attorney and Director of Litigation and Advocacy at the National Center for Law and Economic Justice, counsel to the Plaintiffs in this matter. I am an attorney admitted to the Western District of New York. Unless otherwise stated, the facts set forth below are based on my own personal knowledge, and if called upon to testify, I could and would testify competently thereto.

2. I submit this Declaration in support of Plaintiffs' Memorandum of Law in Support of the Motion to Permit Sufficient Time to Depose Named Defendant Byron Lockwood.

3. On April 26, 2023 Plaintiffs' counsel met and conferred with Defendants' counsel. Plaintiffs' counsel communicated Plaintiffs' need for more than the allotted seven hours to conduct Mr. Lockwood's deposition due to the complexity of Plaintiffs' claims and the number of topics about which Mr. Lockwood has relevant knowledge. Plaintiffs' counsel

also communicated that Mr. Lockwood is a central witness in this case who has held senior leadership positions within the BPD for the majority of the relevant period. Defendants' counsel did not agree to this request.

4. On April 27, 2023 Plaintiffs by their counsel reached out in writing, offering to agree to restrict multiple other depositions to less than the default seven hours if Defendants would agree to making Mr. Lockwood available for 14 hours of deposition time.

5. On May 4, 2023, Defendants by their counsel responded that they would not consent to making Mr. Lockwood available for 14 hours of deposition time.

6. I attach as **Exhibit A** true and correct copies of Excerpted Sections of the BPD's Manual of Procedures.

7. I attach as **Exhibit B** true and correct copies of Excerpted Sections of the Deposition Testimony of Daniel Derenda.

8. I attach as **Exhibit C** a true and correct copy of Plaintiffs' April 27, 2023 Email.

9. I attach as **Exhibit D** a true and correct copy of Defendants' May 4, 2023 Letter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 1, 2023 in New York, New York.

/s/ *Claudia Wilner*

Claudia Wilner

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